

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

NOTICE of PROPOSED ACTION

Proposed National Pollutant Discharge Elimination System (NPDES) Permit CA0049675
Buena Vista Rancheria: Buena Vista Casino (formerly Flying Cloud Casino)
4650 Coal Mine Road, Ione, CA 95640

Date of Notice: August 5, 2009

Comment Period Closes: September 4, 2009

Action: The U.S. Environmental Protection Agency is issuing a notice of proposed action under Section 124.6(d) of the Clean Water Act to issue a new NPDES permit to the Buena Vista Rancheria to allow the discharge of treated effluent from the Buena Vista Casino to an unnamed tributary of Jackson Creek, which subsequently flows into Dry Creek and to the lower Mokelumne River. The U.S. Environmental Protection Agency is the permitting authority on Tribal lands within the State of California.

Background: The Tribe is constructing a new casino and associated wastewater treatment plant. The wastewater treatment plant will be designed to accommodate an average annual flow of 100,000 gallons per day (gpd) and will be designed for a peak weekend flow of 200,000 gpd. The proposed wastewater treatment system will be comprised of an immersed membrane bioreactor (MBR), which is a tertiary treatment system similar to an activated sludge treatment plant with the addition of membrane technology.

EPA public noticed the permit on December 21, 2005 and held a public hearing on March 21, 2006 in Ione, CA. EPA received comments from approximately 30 parties both in writing and in public testimony. In the time since the initial public notice, the Tribe has completed a final Tribal Environmental Impact Report. Additionally, EPA and the State Historic Preservation Officer have conducted a consultation under the National Historic Preservation Act for the negative impacts the construction will have on historic properties, and have prepared a draft Historic Properties Treatment Plan (HPTP) and Memorandum of Agreement (MOA) as a result of the consultation.

Public Notice: EPA is soliciting comments on the draft NPDES permit and on the draft MOA and HPTP. Additionally, EPA will consider all comments made during the previous public comment period and public hearing in the formulation of EPA's final permit decision. The draft permit and fact sheet is available for review at the website listed below. The Administrative Record, which includes the draft permit, fact sheet, permit application, and other relevant documents, may be obtained through the contact below. All comments or objections received within 30 days from the date of this notice will be retained and considered in the formulation of the final determinations regarding the permit.

Contact: To submit comments, or to obtain additional information including a copy of proposed permit and administrative record, please contact:

John Tinger
U.S. EPA
75 Hawthorne St. (WTR-5)
San Francisco, CA 94105

Email: Tinger.John@epa.gov

Phone: (415) 972-3518

Proposed Permit and Fact Sheet Available at:

<http://www.epa.gov/region09/water/npdes/pubnotices.html>